

Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	25 February 2021

Hackney Carriage and Private Hire Licensing Policy review
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1. Purpose of report

- 1.1 To submit the draft revised Hackney Carriage and Private Hire Licensing Policy, **Appendix 1** to members for amendment and/or approval, before beginning a formal consultation.

2. Outcomes

- 2.1 Finalise the draft revised policy and begin a full consultation exercise with the trade, the public and other relevant parties.

3. Recommendation

- 3.1 That the Licensing Committee amend and/or agree the draft Hackney Carriage and Private Hire Licensing Policy.
- 3.2 That the Senior Licensing Officer begins an eight week consultation with the trade and other relevant persons on the draft policy.
- 3.3 The outcome of the consultation to be reported back to the Committee in due course, to consider all of the responses and whether it is appropriate to amend the draft policy, before adopting it.

4. Background

- 4.1 The Secretary of State for Transport has published the long awaited Statutory Taxi and Private Hire Vehicle Standards under section 177(1) of the Policing and Crime Act 2017.
- 4.2 Section 177(4) of the Policing and Crime Act 2017 requires licensing authorities to have regard to the contents of the document when setting, implementing and reviewing policies and practices that underpin local taxi and private hire licensing regimes.

5. Key issues and proposals

5.1 Wyre's current policy and practices have been benchmarked against the recommendations contained in the document and a revised draft policy has been produced that incorporates the majority of recommendations, which are highlighted throughout the draft policy and its appendices in yellow, for ease of reference.

5.2 The draft policy also contains some additional revisions, highlighted in blue, that are not specifically required by the new Statutory Standards, but which address some local matters that have arisen following the adoption of the current policy in 2018, and which are explored further in this report.

5.3 "3.4.2 Applications from holders of a full driving licence issued by a country outside the UK, may be considered in accordance with any provisions contained within National agreements."

This is necessary following Brexit. Previously, European driving licences including those issued in the European Economic Area were acceptable forms of proof of the applicant's legal right to drive within the UK.

5.4 "3.5.2 EU, EEA or Swiss nationals continue to have the right to work in the UK until 30 June 2021. After that date they will be required to demonstrate any ongoing right to work in the UK, under the EU Settlement Scheme."

Again, this is necessary following Brexit.

5.5 "3.9.3 Medical certificates are required every three years for drivers under the age of 65 and then annually for drivers 65 or over, to run concurrent with their licence."

This was agreed by Committee on 29 November 2018 (minute LIC.40 refers) and implemented in April 2019.

5.6 "3.9.4 Certificates must be completed by the driver's own GP practice, or where this is not possible, with another practice, subject to the prior approval of the Licensing Officer. The certificates must have been issued no earlier than 6 weeks before the application is submitted."

This amends the current policy requirement that all medicals "must be completed by the applicant's own GP", to permit some flexibility where applicants are unable to see their own GP for the required medical. It retains the Authorities confidence that the certificate has been produced by a GP with full access to the patient's medical records and has assessed that person in a face to face consultation, which will be confirmed by the Licensing Officer before consent is given to use an alternative provider.

5.7 "3.10.4 Licensed drivers, who allow their licence to expire, must apply for a new licence and satisfy all of the requirements in force at that time on a new driver, unless agreement has been obtained from the Licensing Officer

prior to the expiry date, to exclude the requirement for them to pass the knowledge test.”

Historically Wyre allowed a blanket six-month grace period for drivers who allowed their licences to lapse. This was reduced to one month in 2018 with a view to removing the grace period completely at the next policy review.

The proposed condition removes the grace period, but provides some discretion for officers to exclude the requirement to re-take the knowledge test where for example, the individual has not been subject to any complaints or concerns whilst previously licensed.

As a result of the pandemic, a considerable number of experienced and competent drivers have intentionally allowed their licences to expire, as they have been shielding or otherwise unable to work and this amendment will allow officers to dis-apply the requirement for the applicant to retake the knowledge test on a case by case basis.

- 5.8** “3.10.9 Failure of a third test would indicate that the applicant is not fit and proper and a minimum period of 6 months must elapse before the applicant would be eligible for any further attempts.”

This amendment extends the period from 4 weeks to 6 months to discourage applicants from attempting repeated tests without undertaking the necessary learning to be able to demonstrate their competency.

- 5.9** “3.12.2 - Wear uniform clothing issued by any other business, except the provider of Hackney Carriage or private hire services associated with the vehicle being used.

The trade may accept bookings to deliver goods, including food, which does not involve the carriage of passengers. This amendment seeks to reassure the public, that those driving licensed vehicles cannot be mistaken for other delivery services that are not subject to the same degree of background checks that Wyre licensed drivers are.

- 5.10** “4.3.8 New or replacement vehicles being presented for a licence must meet the following minimum emissions standards.

Euro 4 emission limits (petrol)

CO – 1.0 g/km

HC – 0.10 g/km

NOx – 0.08

PM – no limit

Euro 6 emission limits (diesel)

CO – 0.50 g/km

HC+ NOx – 0.17 g/km

NOx – 0.08 g/km

PM – 0.005 g/km

PM – 6.0×10^{-11} g/km

4.3.9 Where an existing vehicle licence is temporarily transferred to another vehicle due to accident or collision damage or mechanical failure whilst repairs are undertaken, the requirements of 4.3.8 will not be applied to the original vehicle when it is presented for re-licensing.”

Wyre Council does not operate an age policy for the vehicles it will licence.

In 2019, the Council was part of a successful joint bid to the Ultra-Low Emission Taxi Infrastructure Scheme, to secure funding to install a number of rapid charging points across the Borough, for the exclusive use of licensed vehicles.

Unfortunately, the impact of the pandemic has delayed the installation of these at the four locations identified during the Evolve project, but work should be completed this year.

Part of the bid process required Authorities to give a commitment to introduce higher standards for licensed vehicles in order to reduce emissions levels.

This amendment addresses that commitment by introducing emission standards for new vehicles coming onto the fleet, whilst giving existing proprietors time to plan for the increased cost of replacement vehicles when their current ones are no longer fit for service.

- 5.11** “5.1.2 Every 3 years the Council will normally undertake a survey to establish if there is any significant unmet demand for Hackney Carriages, which it would need to address either by increasing the limits, or delimiting Hackney Carriage numbers.”

It has always been open to the Council to delimit Hackney carriage numbers and this amendment merely reflects that ability in the wording of the policy.

- 5.12** The review also proposes to relax the historically prescriptive conditions attached to Hackney Carriage and Private Hire Vehicle licences in respect of the size and location of advertising permitted on vehicles and replace them with the following:

All signage or livery displayed on or in a licensed hackney carriage vehicle must relate only to the provision of hackney carriage services by that vehicle, or be otherwise prescribed in law and must be professionally prepared and printed and maintained in good order.

All signage or livery displayed on or in a licensed private hire vehicle must relate only to the Private Hire Operator, or be otherwise prescribed in law and must be professionally prepared and printed and maintained in good order.

Finance	There are no financial implications directly associated with this report.
Legal	The current policy was adopted in 2018 and is subject to periodic reviews at least every five years. The Department for Transport issued the Statutory Standards document last summer along with a requirement to review and revise policies and practices to implement the new standards unless there is a compelling local reason not to. Once adopted members must have regard to the revised policy when determining private hire and hackney carriage applications. However, the policy is not immutable, and every case should be considered on its own merits.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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List of background papers:

name of document	date	where available for inspection

List of appendices

Appendix 1 – Draft Hackney Carriage and Private Hire Licensing Policy V06